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September 27, 2024

VIA ECF

Honorable Lewis J. Liman
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Robert Lee Murray v. City of New York, et al.,
21 Civ. 6718 (LJL)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Muriel Goode-Trufant, Acting Corporation Counsel of the City of New York and the attorney for Defendant City of New York in the above-referenced matter. In that capacity, I write in response to the Court's August 29, 2024 Order directing Defendant City to respond to the previous Valentin Order by September 27, 2024. See Docket Entry No. 104.

By way of background, Plaintiff brings this action alleging that on November 16, 2020 on Rikers Island, he was sexually assaulted by a correction officer in the presence of at least seven other correction officers and a female captain. See Docket Entry No. 2. As Your Honor may recall, previously, and upon investigating the underlying allegations in the complaint, the City informed Plaintiff and the Court that the date of incident as alleged in the complaint was incorrect, as it appears that the incident occurred on November 15, 2020, not November 16, 2020.¹ See Docket Entry No. 76. As a result, Defendant City has been investigating and attempting to

¹ To that end, while Defendant City denies that Plaintiff was sexually assaulted on the alleged incident date, it appears that Plaintiff was involved in a Use of Force incident on November 15, 2020, which resulted from Plaintiff assaulting three correction officers with bodily fluids. These allegations are similar to those alleged in the Plaintiff's complaint.

determine who the John Doe Department of Correction (“DOC”) officers are that Plaintiff purports to name in this case.

Based on that investigation, and the information that Plaintiff has provided, upon information and belief, this Office identifies the following individual who was involved in the November 15, 2020 use of force incident and assigned to the main intake area on that date:

- Correction Officer Gary Davis

Further, based on Defendant City’s investigation, and the descriptive information that Plaintiff previously provided, upon information and belief, this Office identifies the following individuals who were assigned to, and present at, the main intake area on November 15, 2020, which is where the alleged sexual assault incident occurred:

- Captain Courtney Rogers, Shield No. 506
- Correction Officer Christopher Lewis, Shield No. 5517
- Correction Officer Rudolph Murray, Shield No. 4366
- Correction Officer Derrick Stevens, Shield No. 5292
- Correction Officer Christian Rosario
- Correction Officer Joseph Sheehan

As Correction Officers Rogers, Lewis, Murray, and Stevens are current DOC employees, an electronic request for a waiver of service can be made under the e-service agreement for cases involving such defendants, rather than by personal service at a DOC facility. With respect to service of Officers Davis, Rosario, and Sheehan, these three officers are no longer employed by DOC and as such, the undersigned is in the process of attempting to obtain their proper service addresses.

Defendant City thanks the Court for its time and consideration to this matter.

Respectfully submitted,

/s/ Eun Jee (Esther) Kim

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cc: **VIA FIRST-CLASS MAIL**
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